

From 15-18 November 2000, in Warsaw Poland, a networking meeting took place which brought together 115 NGOs from Central and Eastern Europe and Central Asia, coordinated by the Polish Helsinki Foundation, in collaboration with the Office of the High Commissioner for Human Rights. I here reproduce the three documents which emerged from that meeting -- (1) a statement addressed to the World Conference, (2) recommendations for the NGO Forum and (3) , an appeal concerning the situation in Chechnya . These documents are also available in Russian by contacting Jacqueline Kacprzak at <jacquel@hfhrpol.waw.pl>.

The meeting of NGOs from Eastern and Central Europe

Warsaw, 15 - 18 November 2000

Document 1.

STATEMENT

BY THE PARTICIPANTS IN THE MEETING OF NGO FROM EASTERN AND CENTRAL EUROPE

WARSAW, NOVEMBER 15-18, 2000

ADDRESSED TO THE WORLD CONFERENCE AGAINST RACISM (WCAR)

We, representatives of 115 non-governmental organizations from the countries of Eastern and Central Europe, including all the countries of the former Soviet Union, gathered in Warsaw on November 15-18, 2000, as participants in the preparatory process for WCAR. We fully endorse recommendations adopted by the European NGO Forum in Strasbourg (October, 2000) and the NGO Conference in Moscow (October, 2000) and urge WCAR to take their contents into consideration during debates at the Conference. We condemn the growth of racism and discrimination based on race, color of skin, gender, language, religion, political or other opinion, national or social origins, ethnicity, birth or other ground and the persistent climate

of intolerance in the region and recommend the following:

1. WCAR should take into account the specificity of racist manifestations in our region, where roots of aggressive nationalism, ethnocentrism and discrimination are different from roots of racism in other parts of the world connected to the colonial past, slavery and slave-trade.

2. We strongly oppose any tendencies to limit the scope of authority and competence of the Committee on the Elimination of Racial Discrimination (CERD). We urge WCAR to strengthen the role of the United Nations in dealing with racism and racial discrimination, specifically with regard to the work of CERD, by:

- Ensuring CERD's efficacy as a state monitoring body by introducing effective sanctions in cases where CERD's Concluding Observations are not complied with by governments of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) states parties within a reasonable period of time;
- Introducing a mechanism of judicial review by CERD via making CERD's decisions with regard to individual complaints to ICERD state parties legally binding, as well as by providing for enforceable sanctions in cases of failure by states to comply within a reasonable period of time;

3. WCAR should strengthen the role of CERD by:

- Introducing a transparent process in the appointment of CERD members on the basis of criteria such as proven competence and distinguished achievement in anti-racism and providing for NGO input into selection process in each country;
- Providing adequate funding to ensure legal aid to individual complainants;
- Televising all CERD sessions in which country reports are reviewed so

they can be broadcast for the purpose of public education and

oversight; translating the reports of these sessions into all official

UN languages; and recommending that states provide and widely

circulate print versions of these proceedings;

4. We urge WCAR to recommend that CERD consider issuing a General Comment to:

- interpret racial discrimination as constituting "degrading treatment"

within the meaning of Article 3 of the European Convention on Human

Rights as construed by the European Court of Human Rights;

- interpret the concept of "racial discrimination" as including both

"direct discrimination," and "indirect discrimination" as this term is

defined in the European Council Directive 43/2000, "implementing the

principle of equal treatment between persons irrespective of racial or

ethnic origin" of June 29, 2000;

- instruct that for the purposes of consideration of individual

communications pursuant to Article 14 of the International Convention

on Elimination of Racial Discrimination (ICERD), once the complaint

sets forth a prima facie case of discrimination, the respondent

government bears the burden of showing that the challenged law or

practice has an objective and reasonable justification;

- interpret the duty of states to eliminate all forms of racial

discrimination, pursuant to Article 2.2 of ICERD as implying, in

certain cases, positive action as remedy for systemic discrimination;

5. Acknowledging that the geographically diverse, transnational Roma

community is Europe's most disadvantaged ethnic group, which has suffered

racist abuse and systemic racial discrimination, culminating in the

destruction of the Kosovo Roma, we recommend that the UN confers the

status of a non-territorial nation to the Romani people, providing for

organizations. The Roma should, inter alia, receive a seat in the United Nations, participate as elected officials in the European Parliament, the Parliamentary Assembly of the Council of Europe and in the constitutive organs of these organizations. We also recommend that WCAR urge governments to adopt legislation and policies ensuring Roma participation in public administrations, at both central and local levels.

6. Taking into account discrimination on ethnic basis manifested in deportation of peoples, in particular Crimean Tartars and Meskhetian Turks in the former USSR, as an extreme manifestation of the state racism, we recommend that WCAR urge governments to adopt adequate legislative and policy measures to ensure full rehabilitation, compensation to and repatriation of these peoples.

7. Acknowledging the grave problem of religious discrimination, including those against non-traditional religions, where the roots and causes are similar to those of racial and ethnic discrimination, we urge WCAR to recommend that ICERD states parties adopt effective legislative standards to provide protection from religious discrimination and ensure effective mechanisms for the implementation of such standards.

8. As the problem of anti-semitism is pervasive across the region, we recommend that WCAR advise the governments of all states where this particular problem is relevant, especially Central and Eastern European states including the countries of former Soviet Union, that education on Holocaust be introduced into school curricula as one of the recommended measures and adequate preventive mechanisms be elaborated.

9. As the problem of language-based discrimination, including elimination of the system of education in minority languages, is particularly relevant to a number of countries in our region, we urge WCAR to initiate

process of development of international standards aiming at:

- prevention of use of official linguistic policies as a tool for exclusion and marginalization of a part of the permanent population (minority, majority, non-citizens, etc);
- protection of linguistic minorities;
- prevention and elimination of discrimination based on linguistic criteria.

10. Being deeply concerned about the problem of persistent statelessness of large groups of permanent residents in a number of countries in our region, we recommend that steps be taken at the level of UN bodies and other intergovernmental organizations to intensify elaboration of international standards aiming at:

- prevention of use of institutes of citizenship, naturalization, immigration and legal status of persons, who are not citizens of the states where they permanently reside, as a tool for discrimination and exclusion of a part of the permanent population;
- protection of de jure and de facto stateless persons;
- prevention and elimination of arbitrary restrictions based on citizenship.

11. We are concerned about the fact that in a number of countries in our region the so called "passport system," that includes the institute of registration of residence and temporary stay and police supervision over implementation of and compliance with this regime, is used as an instrument of discrimination and persecution of national minorities. We recommend that WCAR call on the respective countries' governments to expeditiously eliminate those elements of the "passport system" that are conducive to discrimination, primarily the above-mentioned registration

12. We would like to stress that migration, particularly labor migration, is a very significant factor in our region. As discriminatory practices are used with regard to migrants and asylum seekers, we advise that WCAR encourage creation of a Working Group targeting such issues as migration and granting of asylum or citizenship.

13. The situation of groups subject to double discrimination evokes special concern. Persons discriminated against on the basis of race/ethnicity/religion, on the one hand, and gender, age, disability, migration and other distinct factors, on the other hand, are particularly exposed to grave violations of their rights. We recommend that WCAR call for adoption of international legislation targeting prevention of double discrimination. We also advise that the WCAR bring this problem to the attention of ICERD state parties and encourage them to adopt adequate national legislation and policies.

14. We recommend that WCAR urge states to take appropriate measures to address the crucial neglected needs of women in our region who are strongly affected by xenophobia and intolerance and are victims of forced prostitution, trafficking in women, and extreme poverty; the feminization of poverty, which has resulted from the economic transition and globalization, testifies to the fact that women are constantly exposed to human rights abuses; in addition, they suffer from racial, ethnic, gender and religious discrimination during armed conflicts, including rape, forced pregnancy and sexual violence intended to change the ethnic composition of the population.

15. Taking into consideration that mechanisms conducive to discrimination of the disabled are in many respects similar to mechanisms instrumental to racial and ethnic discrimination, we recommend that WCAR call for development and adoption of a Convention on Elimination of all Forms of

Discrimination against the Disabled

16. We want to place on record that the Russian Federation government pursues the policy of state racism with regard to the Chechen people. We believe that manifestations of cruelty and persistent annihilation of civil population, torture and arbitrary in the territory of the Chechen Republic fall under the definition of a crime against humanity. A large campaign of instigation of hatred is realized with regard to the Chechen people across the whole territory of the Russian Federation. Mass persecution and discrimination against nationals of Caucasus are taking place. In society, "enemy image" is formed with reference to the Chechen people. We recommend that WCAR urge interstate bodies, governments and non-government organizations to exert pressure over the Russian Federation with the purpose of ensuring creation of effective mechanisms to provide for securing lives, rights and freedoms of the Chechen people, investigation of all the war crimes, access of international observers and independent mass-media to the territory of the Chechen Republic and implementation of effective measures on peaceful regulation of the conflict.

17. Persisting atrocities within the framework of internal armed conflicts happening along ethnic lines, in the Caucasus and in the Balkans, testify to the indispensability of new international uniform standards providing for international responses in cases where states commit gross human rights violations during armed conflicts. Therefore, we recommend that WCAR insist on adoption of adequate uniform standards concerning internal armed conflicts, including prevention, political regulation, humanitarian intervention, peace-keeping and protection of civilians.

Document 2

RECOMMENDATIONS FOR THE NGOs FORUM

which will

Racial discrimination, Xenophobia and Related Intolerance in South Africa 2001

We, representatives of 115 non-governmental organizations from the countries of Eastern and Central Europe, including all the countries of the former Soviet Union, gathered in Warsaw on November 15-18, 2000, as participants in the preparatory process for WCAR, recommend the NGOs Forum organize the following activities:

GENERAL

Region specific situations to be highlighted during the NGO Forum:

- Chechnya
- Kosovo
- Krasnodar province

What should be the responsibility of the international community towards the state sponsored gross violations.

The NGO Forum shall ensure for full access (and accessibility) for the organisations of the disabled.

Involvement of young people (volunteers).

PLENARY

ROOTS OF RACISM IN CEEC

Plenary discussion on the roots of racism in Central and Eastern Europe, on specific forms of aggressive nationalism, ethnocentrism and discrimination.

Influence of nationalist and communist ideology.

ROLE OF NGOs IN DISSEMINATION OF INFORMATION ON INTERNATIONAL STANDARDS IN LOCAL COMMUNITIES

Examples of good practice, development of strategies and plans.

REFORM OF INTERNATIONAL LAW

Reform of international instruments to reflect changed situation and to

strengthen them.

MULTICULTURAL EDUCATION / INTERCULTURAL LEARNING

Plenary discussion on multicultural education and/or intercultural learning: methodology, resource materials and training courses for teachers or students, curricula (history, culture).

PANEL DISCUSSION

ROMA IN CEEC

Panel discussion on Roma - issues of slavery in Romania, Roma holocaust, non-territorial nation, Roma language and identity.

MASS MEDIA AND EDUCATION.

Strategies and plans for public awareness campaigns and other activities.

RACISM IN SPEECH

Speech as an instrument of racism, e.g. need of using gender-neutral expressions.

MISUSE OF INTERNET

Panel discussion on misuse of INTERNET for racist propaganda.

TARGETED GROUPS ABUSE

Panel discussion on targeted groups abuse ? e.g. minority children.

RACIAL DISCRIMINATION IN THE AREA OF ENVIRONMENTAL SAFETY

Use of natural resources in Uzbekistan, Kazakhstan, Kirgizstan, Slovakia, Hungary, Serbia, Ukraine.

DISABLED

Panel discussion on discrimination, xenophobia and intolerance towards disabled people.

WORKSHOPS AND TRAINING SESSIONS

ROLE OF RESEARCH AND ANALYSIS IN COMBATING RASISM

Meeting negative stereotypes and prejudice with positive ideas.

Discrimination. xenophobia and intolerance towards visible minorities

(Roma, Afro-Slovaks, Chinese).

LOBBYING STRATEGIES

Sharing and developing lobbying strategies for the cause of combating